

40

11:11

10

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

DEVON SUDDARTH and
LORANN SUDDARTH, individuals,
d/b/a SONORA DESERT PRIMATE
CONSERVANCY,

Respondents.

AWA No. 07-0095

**CONSENT DECISION AS
TO ALL RESPONDENTS**

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) (the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture ("APHIS"), alleging that the respondents willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. §§ 1.1-3.142) (the "Regulations"). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents Devon Suddarth and Lorann Suddarth, individuals, d/b/a Sonora Desert Primate Conservancy, admit the jurisdictional allegations in the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding, to the entry of this decision.

The complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent Devon Suddarth is an individual whose mailing address is 49201 N. 7th Avenue, New River, Arizona 85087.
2. Respondent Lorann Suddarth is an individual whose mailing address is 49201 N. 7th Avenue, New River, Arizona 85087.
3. Respondents Devon Suddarth and Lorann Suddarth collectively and individually do business as Sonora Desert Primate Conservancy, believed to be an unincorporated association or partnership with the mailing address 49201 N. 7th Avenue, New River, Arizona 85087.
4. Respondents Devon Suddarth, Lorann Suddarth and Sonora Desert Primate Conservancy (collectively "Respondents"), at all material times mentioned in the complaint, were operating as a dealer, as defined in the Act and Regulations

CONCLUSION

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.


ORDER


1. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the Regulations issued thereunder, and in particular, shall cease and desist from engaging in any activity regulated under the Act and/or Regulations before obtaining a license;
2. Respondents Devon Suddarth and Lorann Suddarth, individuals, d/b/a Sonora Desert Primate Conservancy, are, jointly and severally, assessed a civil penalty in the amount of


\$3,300, which shall be paid by credit card as directed by APIHS or by a certified check or money order made payable to the Treasurer of United States.

3. The provisions of this order shall become effective on the first day after service of this decision on the Respondents.

4. Copies of this decision shall be served upon the parties.


Devon Suddarth
Respondent


Lorann Suddarth
Respondent


Babak A. Rastgoufard
Office of the General Counsel
United States Department of Agriculture
ATTORNEY FOR COMPLAINANT

Done at Washington, D.C.

this 5 day of June, 2008


Jill S. Clifton
Administrative Law Judge